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JIM GIBBONS
2ND DISTRICT, NEVADA

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Congress of the United States
House of Representatives

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Docket# 87-268

June 19, 1997

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JUL 14 1997
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Lou Sizemore
FCC Legislative Affairs Office
1919 M. Street NW
Washington, D.C 20554

Dear Ms. Sizemore:

A constituent of mine, Mr. Alan Davis, has written me regarding alleged problems with the FCC. He is concerned with the recently proposed television format concerning HDTV and the potential costs that will be placed on consumers like himself. I share the concerns of Mr. Davis and would appreciate your prompt attention on this matter.

Thank you for your assistance and please do not hesitate to contact me if I may be of assistance in the future.

Sincerely,

Jim

Jim Gibbons
Member of Congress

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KAME UPN

FOX 11 KRXI

May 30, 1997

needs response

Honorable Jim Gibbons
U.S. House of Representatives
1116 Longworth HOB
Washington, DC 20515-2802

Dear Representative Gibbons:

I am writing to you about a potential FCC ruling that could dramatically affect the viewing public in Nevada. For the past two years our station KRXI TV has been part of a local marketing agreement, LMA, with station KAME TV. Under the agreement our station provides programming, technical, and financial help to KAME TV. The FCC is now proposing new rules that will effectively terminate this agreement. This will not only harm my station, but more importantly, deny viewer's access to top quality programs.

Prior to the LMA, KAME TV was providing very little service to the public. By using the resources of KRXI TV, KAME TV now broadcast's Giants Baseball, and has the technical equipment to produce local shows like the Hot August Nights, the Smokey Joe's Cafe grand opening at the Eldorado Hotel & Casino, Pops' on the River, and many more locally originated shows. We also provide financial stability for KAME TV so they can go out and purchase first-run programs, the latest movies, and educational children's programming.

Without this local market combination there would be less top quality programming and service would decline.

Despite these demonstrable benefits, the FCC proposes to prohibit these arrangements. Specifically, the commission proposes to limit my local marketing agreement to the term of my existing contract. There could be no renewals or extensions, even though service to the public has improved. Unlike other programming contracts, my arrangement would automatically terminate if either station is sold.

With these new restrictions it will undermine my existing local marketing agreement. My station, KRXI TV, has invested hundreds of thousands of dollars improving KAME TV. All of this investment would be lost if KAME TV is sold. It makes little sense to enter into long term contract's with program supplier's and equipment manufacturer's if my local marketing agreement cannot be renewed.

Finally, the FCC's proposals directly conflict with the 1996 Telecommunications Act, which grandfathered existing local marketing agreements.

Every day my station competes with other local television stations, scores of cable channels, and new DBS satellite services, not to mention numerous radio stations with single ownership's. Soon I will competing with video programs over the internet and telephone company video systems. Competition for viewers and advertiser's is fierce and intensifying. Given this competition it is impossible for local market combination's to stifle diversity or thwart economic competition.

Frankly, it no longer makes sense for the FCC to have a rule that limits free over-the-air television broadcaster's one channel per market. Given today's multi-channel competition, it has become increasingly difficult for an individually owned station to compete. Television stations, especially UHF stations, should be free to combine with other local stations if free over-the-air television is to meet competitive challenges. For example, unless local combination's are permitted, many UHF stations, like KAME TV, will not be able to afford the transition into digital television. Local market combinations are pro-competitive and improve both the quality and quantity of programming.

I respectfully request that you contact the Federal Communications Commission and urge it to comply with the intent of the 1996 Telecommunications Act, by ensuring the continuation of local market combinations. The simplest and most equitable way to accomplish this is to relax duopoly rule to permit the common ownership of two television stations in a local market.

Being new to Nevada, I have not had the pleasure of meeting you yet, and I look forward with great anticipation to spending some time with you in the future.

Thank you for your consideration in this matter.

Sincerely,

Marty

Marty Ozer
Vice President
General Manager

MO/jd